

REMARKS

Attorney for applicant has carefully reviewed the outstanding Office Action on the above-referenced application. Applicant has amended Claims 1, 3-8, and 10, and has added new Claim 11. Claims 2 and 9 have been canceled.

Applicant's attorney is pleased to note that, at page 4 of the Office Action, the Examiner has indicated that Claims 2-8 and 10 contain allowable subject matter. By the foregoing amendments, Claim 1 has been amended to include the features recited in original Claim 2. In addition, minor editorial changes have been made to the original claim language in Claim 1, but care has been taken not to change the scope of the claim. Since the Office Action indicates that original Claim 2 contains allowable subject matter, applicant's attorney respectfully submits that amended Claim 1, which includes the features recited in original Claim 2, recites allowable subject matter. In the foregoing circumstances, it is respectfully submitted that amended independent Claim 1 is in condition for allowance.

With respect to Claims 3-8 and 10, they depend, either directly or indirectly, from amended independent Claim 1. In such circumstances, it is believed that Claims 3-8 and 10 are also in condition for allowance.

Appn. No. 10/564,570
Amendment dated January 19, 2007
Reply to Office Action mailed August 25, 2006

Claim 1 has been rejected under 35 U.S.C. 102(b) as being anticipated by Dougherty et al. U.S. Patent No. 4,973,796, while Claim 9 has been rejected under 35 U.S.C. 103(a) as being unpatentable over the Dougherty et al. reference. These claim rejections have been obviated by the cancellation herein of Claim 9 and the amendments herein to Claim 1.

New independent Claim 11 has been inserted into this application by way of this Amendment. The present invention, as recited in independent Claim 11, relates to a rail profile (1, 2) adapted to be fastened to a supporting structure (9) and sized and shaped to accommodate a conductor rail (3). Claim 11 includes some of the patentable features recited in original Claim 2 (e.g., one of the flank struts (121, 221) being offset). Because the Office Action indicates that the features recited in original Claim 2 are patentably distinguishable over the Dougherty et al. reference, applicant's attorney respectfully submits that Claim 11, which includes some of the features recited in original Claim 2, recites allowable subject matter.

In view of the foregoing amendments and remarks, applicant's attorney respectfully requests reexamination and allowance of Claims 1, 3-8, and 10, and examination and allowance of new Claim 11. If such action cannot be taken, the Examiner is cordially invited to place a telephone call to applicant's attorney in order that any outstanding issue may be resolved without the issuance of a further Office Action.

Appln. No. 10/564,570
Amendment dated January 19, 2007
Reply to Office Action mailed August 25, 2006

Enclosed is a Petition for a two-month extension of time to and including January 25, 2007, for which a \$450 fee is due. The Petition authorizes the Examiner to charge this \$450 fee to Deposit Account No. 503571. If there are any additional fees due as a result of this Amendment, including extension and petition fees, the Examiner is authorized to charge them to Deposit Account No. 503571.

Respectfully submitted,

McCARTER & ENGLISH, LLP



By: Sanjiv M. Chokshi
Reg. No. 44,080

Encl.

McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
Tel. No. (973) 848-5368